

Wetlands Bureau Decision Report

Decisions Taken
08/23/2004 to 08/27/2004

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2003-02581 STONE GATE ACRES ASSOCIATION, SALLY VANICEK
EAST HEBRON Newfound Lake

Requested Action:

Replenish a 60 ft by 30 ft section of beach with 66 cubic yards of clean sand on Newfound Lake, Hebron.

Conservation Commission/Staff Comments:

no Con Com comments by 01/05/04

Inspection Date: 08/23/2004 by Dale R Keirstead

APPROVE PERMIT:

Replenish a 60 ft by 30 ft section of beach with 66 cubic yards of clean sand on Newfound Lake, Hebron.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 4, 2004.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. No more than 66 cu yd of sand may be used and all sand shall be located above the normal high water line.
4. This permit shall be used only once, and does not allow for annual beach replenishment.
5. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during drawdown.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on August 23, 2004.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Newfound Lake.

2003-02623 IRONMAN DEVELOPMENT LLC
ENFIELD Unnamed Wetland

Requested Action:

Dredge and fill 25,165 square feet of palustrine forested wetland for access in the proposed residential subdivision of 77.1 acres into 58 single family residential lots. Mitigate for the proposed impacts by placing 56.74 acres into conservation easement.

Conservation Commission/Staff Comments:

The conservation commission requested time to review the final plans. However, they have not provided any comments.

APPROVE PERMIT:

Dredge and fill 25,165 square feet of palustrine forested wetland for access in the proposed residential subdivision of 77.1 acres into

58 single family residential lots. Mitigate for the proposed impacts by placing 56.74 acres into conservation easement.

With Conditions:

1. All work shall be in accordance with plans by WAE Engineering dated June 2004, and revised through June 29, 2004 as received by the Department on July 20, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction or along the town of Enfield's wetland setback line, and along the edge of the proposed conservation easement area to prevent accidental encroachment into wetlands, easement or the wetland buffer.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Areas of disturbed wetlands which are part of the drainage system shall be seeded with a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
15. Mulch within disturbed wetland areas which shall remain wetlands must be straw.
16. All material removed during work activities shall be placed out of DES's jurisdiction.
17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
19. Silt fencing must be removed once the area is stabilized.
20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

MITIGATION CONDITIONS

21. This permit is contingent upon the execution of a conservation easement on 56.75 acres as depicted on plans received July 20, 2004.
22. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
23. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
24. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain

photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

25. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

26. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

27. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.

28. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

29. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 10, 2003. Field inspection determined the wetlands were accurately portrayed on the plans and the functions and values were consistent with the report from Schauer Environmental Consultants dated June 2, 2003.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this palustrine wetland ecosystem.
8. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).
7. To compensate for permanent jurisdictional impacts the applicant will preserve via conservation easement approximately 56.75 acres of wetland and contiguous upland buffer.
8. The mitigation proposed to offset permanent wetland impacts on this site exceeds the requirements of the mitigation rules although the application was received prior to those rules being adopted.
9. Filling for road construction will be approximately 2 ft from the abutting property (Enfield, Tax Map 38, Lot 10). The applicant has submitted a letter of permission from the affected abutter pursuant to Rule Wt 304.04, Setback from Property Lines.
10. The applicant has demonstrated that this is the most reasonable alternative for the site in accordance with Rules Wt 302.03 and Wt 304.16.
11. The Department hereby waives Rule Wt 302.04(d)(4) based on findings above.

2003-02728 FORBES, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to include adding a cantilevered pier to an existing breakwater by utilizing reconfigured square footage.

Conservation Commission/Staff Comments:

Con. Com. did not object to project, although they are concerned about nonconforming jetties.

Applicant requests amendment to include a dock attached to an existing breakwater by utilizing existing square footage.

APPROVE AMENDMENT:

Amend permit to read:

Repair an existing 60 linear ft breakwater and add a 2 ft x 25 ft cantilevered pier by reducing an existing 6 ft wide dock by 25 sq ft to a 5 ft x 33 ft dock and reduce an existing attached 12 ft wide dock by 25 sq ft to an 11 ft x 32 ft dock, and repair an existing 123

linear ft breakwater in-kind on an average of 300 ft of frontage on Chestnut Cove, Lake Winnepesaukee.

With Conditions:

With Added Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised August 5, 2004, as received by the Department on August 23, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Dredged or removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
10. Existing rocks which have fallen shall be used for repair.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a dock attached to a breakwater.
2. This project will utilize existing square feet, with no net gain in square footage, and therefore meets the requirements of Rule Wt 402.22, modification of existing structures.
3. The applicant has an average of 300 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 5 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per Rule Wt 101.07, Boat slip, and therefore meets Rule Wt 402.14.
6. Public hearing is waived based on field inspection, by NH DES staff, on June 14, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

2004-01076

KEEWAYDIN DRIVE REALTY LLC, C/O BROOKS PROPERTIES

SALEM Unnamed Wetland Adjacent To Salem Prime Wetland #17

Requested Action:

Fill approximately 5,685 square feet of previously disturbed forested wetlands to construct a 20,000 square-foot office/warehouse building and an associated access roadway and parking lot, and excavate approximately 4,220 square feet of previously disturbed forested wetlands to construct a stormwater detention basin and improve on-site drainage, adjacent to Salem Prime Wetland #17.

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated July 9, 2004 the Salem Conservation Commission recommended approval of the application.

Inspection Date: 04/01/2004 by Christian P Williams

APPROVE PERMIT:

Fill approximately 5,685 square feet of previously disturbed forested wetlands to construct a 20,000 square-foot office/warehouse building and an associated access roadway and parking lot, and excavate approximately 4,220 square feet of previously disturbed forested wetlands to construct a stormwater detention basin and improve on-site drainage, adjacent to Salem Prime Wetland #17.

With Conditions:

1. All work shall be in accordance with the following plans by TF Moran, Inc.:
 - a) The Grading and Drainage Plan (Sheet 5 of 14) dated May 6, 2004 and revised June 24, 2004, as received by the Department on July 2, 2004;
 - b) The Wetland Mitigation Plan (Sheet 9 of 14) dated May 21, 2004 and revised June 24, 2004, as received by the Department on July 2, 2004; and
 - c) The Existing Conditions Plan (Sheet 2 of 13) dated May 6, 2004 and revised May 21, 2004, as received by the Department on May 26, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Salem Conservation Commission of the date project construction is proposed to begin.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. The boundaries of the 100-foot non-disturbance prime wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Stone aprons shall be installed at culvert outlets, where appropriate to dissipate flow velocities and prevent scour and erosion.
13. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(f), as the project is located adjacent to Salem Prime Wetland #17.
2. Project activities will impact wetlands that have been historically ditched and excavated.
3. The project has been designed to treat post-development stormwater runoff and existing untreated stormwater runoff that discharges directly into wetlands on the property.
4. The applicant is proposing to maintain a minimum of a 100-foot buffer between the limits of construction and the boundary of

Salem Prime Wetland #17.

5. The applicant has agreed to preserve approximately 1.33 acres of wetlands and contiguous upland buffer on-site, through execution of conservation easement granted to the Town of Salem. A portion of the conservation easement area borders property currently owned by the Town of Salem.
6. In a memo dated March 26, 2004 the NH Natural Heritage Bureau indicated that a population of state-threatened Wild Lupine had been documented in the project vicinity. Based on review of the map provided by the NH Natural Heritage Bureau showing the known location of the Wild Lupine population, and review of the USGS Map and Tax Map submitted in support of the application, the Department finds that the Wild Lupine population is located approximately 750 feet north of proposed project. As a result, the Department finds that the proposed project will not have an adverse affect on the documented Wild Lupine population.
7. NHDES Wetlands Bureau staff conducted a field inspection of the property on April 1, 2004.
8. Based on observations made during the above-referenced field inspection of the property, the Department finds that the plans submitted in support of the application accurately depict the boundaries of Salem Prime Wetland #17 and other non-prime wetlands on the property.
9. In a letter to the NHDES Wetlands Bureau dated July 9, 2004 the Salem Conservation Commission recommended approval of the application.
10. On August 24, 2004 the NHDES Wetlands Bureau conducted a public hearing for the proposed project, in accordance with Rule Wt 703.03. No concerns or objections were raised during the hearing.
11. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
12. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
14. The applicant has sufficiently addressed the criteria for approval, defined in Rule Wt 703.01(b), for projects located in or adjacent to designated prime wetlands.
15. Based on the above-referenced findings, the Department finds that there is clear and convincing evidence that this proposal will result in no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Administrative Rule Wt 703.01(b).
16. On August 25, 2004 the NHDES Wetlands Bureau received a letter from the Town of Salem Board of Selectmen, Planning Board and Conservation Commission stating that they had no objection to a waiver of the Department's 28-day hold on permit issuance, as described in Rule Wt 704.01.

MINOR IMPACT PROJECT

2003-00191 CHESSON, JR, JOHN
SUNAPEE Lake Sunapee

Requested Action:

Applicant requests reconsideration of denial as untimely.

Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

Applicant requested a 9 month extension to May of 2004

DENY RECONSIDERATION:

Rip rap 714 sq ft on the inside of (2) existing 42 ft concrete piers on an average of 135 ft of frontage on Lake Sunapee, Sunapee.

With Findings:

1. In accordance with RSA 482-A:10,II, "[t]he request for reconsideration shall describe in detail each ground for complaint."
2. In accordance with RSA 482-A:10,III, "[o]n reconsideration, the department shall receive and consider any new and additional

evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."

3. In accordance with Rule Wt 302.04, Requirements for Application Evaluation, the applicant shall propose the alternative that is least impacting to jurisdictional areas.

4. The applicant requested reconsideration and an additional 120 days to amend the application.

5. The applicant failed to submit any new or additional information to demonstrate that the riprap will provide the needed stability to the existing concrete piers.

6. The applicant has failed to provide evidence that riprap around the piers would be the least impacting alternative as required per Rule 302.04, therefore the request for reconsideration is denied.

**2003-02633 SANBORN FARM LLC, ANDREW
BELMONT Unnamed Stream**

Requested Action:

Approve Town of Belmont's request for reconsideration of the approval for installation of two 56-inch x 81-inch x 30-foot culverts for access to upland areas of the lot.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

Application dated 03/30/04 is an amended application for this file

APPROVE RECONSIDERATION:

Approve reconsideration rendering permit issued July 29, 2004 null and void.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This is a minor impact project per Administrative Rule Wt 303.03(c), projects that involve dredge, fill, or construction of a permanent structure in a stream or marsh that do not meet the criteria of Wt 303.02, except those projects in streams which meet the criteria of Wt 303.04(g).
3. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
4. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
5. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. In accordance with Rule Wt 302.04(a)(2), the applicant shall demonstrate by plan and example a lack of alternatives with lesser wetlands and surface water impacts.
8. In accordance with RSA 482-A:10,I, Appeals, "[a]ny person aggrieved by a decision made by the department under RSA 482-A:3 or subject to an order of the department under RSA 482-A:6 may apply for reconsideration by the department."

Findings of Fact

9. On June 1, 2004, The Department of Environmental Services requested that the property owners consider accessing the property through tax map 214 lot 12 to avoid and minimize the wetlands impacts.
10. On June 25, 2004, The Department of Environmental Services received a response that the owners of lots 9 and 12 were separate and the owners of lot 9 did not wish to grant an easement to provide access lot 12.

11. On August 5, 2004, the applicant applied to the Belmont Planning board for a lot line adjustment which would provide frontage on Rodges Road to tax map 214 lot 12.
12. On August 6, 2004, The Department of Environmental Services received a timely request for reconsideration from the town of Belmont Conservation Commission.
13. The plans submitted to the town for the boundary line adjustment are dated July 15, 2004.
14. Note #1 on the plans submitted to the town for the lot line adjustment states that field survey work was completed in June 2004.

Rulings in Support of the Decision

15. The appellant has provided documentation that the applicant has initiated action at the local level through a lot line adjustment which would provide upland access to the property thus obviating the need for a dredge and fill permit. 16. The project is therefore denied per Rule Wt 302.04(d)(1) as there are practical alternatives that would have a less adverse impact on the area under the department's jurisdiction.
17. The project is denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a forested wetland and perennial stream.
18. The project is denied per Rule Wt 302.04(d)(5) as the requirements of Wt 302.03 were not met and the applicant failed to document factors as required in Wt 302.04(a).
19. The proposed project is denied as the applicant has failed to justify the need for the project as required in Wt 302.01(a).
20. The proposed project is denied in accordance with Rule Wt 302.04(d)(1), as there are practicable alternatives that would have a less adverse impact on the area and environments under the department's jurisdiction.
21. The proposed project is denied as the applicant has failed to document that the proposed project is the least impacting alternative to areas under the NHDES Wetland Bureau Jurisdiction in accordance with Wt 302.04(a)(2).

2004-00212 EMERALD ABODE LLC **CONCORD Unnamed Wetland**

Requested Action:

Dredge and fill 2989 square feet along 102 linear feet of intermittent stream for roadway access in the subdivision of 62.66 acres into 8 single family residential lots and restore 321 square feet of intermittent stream bed.

Conservation Commission/Staff Comments:

The conservation commission was not opposed to the application when it included two crossing locations provided there be no further subdivision of this lot.

Inspection Date: 04/14/2004 by Jocelyn S Degler

APPROVE PERMIT:

Dredge and fill 2989 square feet along 102 linear feet of intermittent stream for roadway access in the subdivision of 62.66 acres into 8 single family residential lots and restore 321 square feet of intermittent stream bed.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering Titled Proposed Wetland Impacts Army Corps Plans Sheet 2 of 2, as received by the Department on August 2, 2004 and Subdivision Plans by Nobis Engineering titled Overall Layout dated February 2004, and revised through July 22, 2004 as received by the Department on August 2, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources

Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

9. Work shall be done under dry conditions.

10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. Proper headwalls shall be constructed within seven days of culvert installation.

13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. All material removed during restoration activities shall be removed down to the level of the original hydric soils.

15. Mulch within the restoration area shall be straw.

16. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.

17. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

18. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

19. Silt fencing must be removed once the area is stabilized.

20. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

21. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on April 4, 2004. Field inspection determined the wetland areas were accurately marked, the stream at the proposed impact area is intermittent however this stream becomes perennial at some point on this property.

6. Work within jurisdiction will be approximately 2 ft from the abutting property (Concord, Tax Map 123-4-6). The applicant has submitted a letter of permission from the affected abutter pursuant to Rule Wt 304.04, Setback from Property Lines.

2004-00680 AMHERST, TOWN OF AMHERST Beaver Brook

Requested Action:

Temporarily impact a total of 190 square feet (13.8 linear feet of channel impact, and 27.9 linear feet of bank impact) to repair washed out road culvert headwall in Beaver Brook.

Conservation Commission/Staff Comments:

Did not report.

Inspection Date: 04/21/2004 by Dori A Wiggin

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact a total of 190 square feet (13.8 linear feet of channel impact, and 27.9 linear feet of bank impact) to repair washed out road culvert headwall in Beaver Brook.

With Conditions:

1. All work shall be in accordance with plans by CLD, Inc. dated May 2004, as received by the Department on May 25, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. Emergency authorization was issued on 4/21/04 for 1000 square feet of impact.
2. Project actually involved a greatly reduced impact of 190 square feet, including a total 41.7 linear ft. of bank and channel impacts.
3. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream or its banks.
4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspection of the proposed project on 4/21/04. Field inspection determined that the road was in danger of failure and an emergency authorization was justified. Repair ultimately involved much less impact than anticipated at the field inspection.

2004-01005 GILFORD, TOWN OF
GILFORD Poor Farm Brook

Requested Action:

Dredge and fill 600 square feet for protection of existing abutment on a DOT red listed bridge over Poor Farm Brook further described as follows: Permanently impact 440 square feet for installation of sheet pile and concrete backfill to existing channel grade and temporarily impact 160 square feet for the installation of sediment barriers.

Conservation Commission/Staff Comments:

The conservation commission has no concerns with this application

APPROVE PERMIT:

Dredge and fill 600 square feet for protection of existing abutment on a DOT red listed bridge over Poor Farm Brook further described as follows: Permanently impact 440 square feet for installation of sheet pile and concrete backfill to existing channel grade and temporarily impact 160 square feet for the installation of sediment barriers.

With Conditions:

1. All work shall be in accordance with plan figures 1-3 inclusive by HEB Engineers dated April 27, 2004, and received by the Department on May 20, 2004.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no

less than 5 business days prior to construction.

4. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
5. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction.
6. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Prior to commencing work on a substructure located within surface waters, temporary water diversion measures shall be constructed to isolate the substructure work area from the surface waters.
9. Temporary water diversion measures shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary water diversion measure is fully effective, confined work can proceed without restriction.
10. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. There shall be no excavation or operation of construction equipment in flowing water unless specifically authorized pursuant to Condition #3.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of jurisdiction during construction.
18. Temporary water diversion measures shall be entirely removed immediately following construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by netting and pinning on slopes steeper than 3:1.
20. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
21. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration area during the early stages of vegetative establishment.
22. Upland riparian areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
24. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. The project is classified as a Minor Project per Rule Wt 303.03(1), as the impacts are less than 200 linear feet within the bed and banks.
2. Project activities are necessary as the NH Department of Transportation has documented deterioration of the existing bridge.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. Proposed project activities will improve public safety.
6. The applicant has adequately addressed the requirements for application evaluation identified in Rule Wt 302.04(a).

7. DES Staff conducted a field inspection of the proposed project on February 5, 2004. Field inspection determined the stream channel comes down a steep slope and levels in this area, the stream channel has been channelized in the past and the eastern abutment does appear to have some scour.

2004-01082 MARCUM, JAMES & SHARON
LACONIA Lake Winnepesaukee

Requested Action:

Dredge 9.5 cubic yards of material from 282 sq ft of lakebed on an average of 110 ft of frontage on Riley Point, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. has no objection to project as long as project has not been dredged within the last 6 years.

APPROVE PERMIT:

Dredge 9.5 cubic yards of material from 282 sq ft of lakebed on an average of 110 ft of frontage on Riley Point, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 10, 2004, revised on August 19, 2004, as received by the Department on August 24, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Dredging activity shall be limited to the area identified on the approved plans.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. This permit shall be used once and does not allow for annual dredging.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of 9.5 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Field inspection on July 26, 2004 found that an area including that labeled as "Area 2" on the plans submitted on May 24, 2004 and extending shoreward along the pier had already been dredged without a permit. This dredged area provides sufficient depth along a enough of the pier that 3 slips are now provided by the structure.
6. This property does not have sufficient frontage for 3 slips therefore this area may not be redredged in the future.

2004-01088 STOREY, DAVID
NORTHWOOD Unnamed Wetland

Requested Action:

Dredge and fill a total of 7,514 sq. ft. of forested wetland including construction of a 3,355 sq. ft. roadway crossing with installation of a 24" x 67' culvert; and construction of a 4,159 sq. ft. driveway crossing with installation of a 24" x 67' culvert and associated side-slope fill.

Conservation Commission/Staff Comments:

Did not report.

APPROVE PERMIT:

Dredge and fill a total of 7,514 sq. ft. of forested wetland including construction of a 3,355 sq. ft. roadway crossing with installation of a 24" x 67' culvert; and construction of a 4,159 sq. ft. driveway crossing with installation of a 24" x 67' culvert and associated side-slope fill.

With Conditions:

1. All work shall be in accordance with plans by S.E.C. & Associates, Inc. dated July 9, 2004, as received by the Department on July 27, 2004, and per supporting materials dated August 5, 2004 by Meridian Land Services Inc., as received by the Department on August 5, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate in nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish and Game Department comments received July 8, 2004 indicate concern for maintaining wildlife habitat in general, however, no species of concern are known to be located on this site.

2004-01187 PIERSON, NATHANIEL & CARIN REYNOLDS
MERIDEN Unnamed Wetland

Requested Action:

Dredge and fill 9170 square feet of wet meadow for access in the subdivision of 22.45 acres into 13 single family residential lots and 4 common open space lots.

Conservation Commission/Staff Comments:

The conservation commission supports the project as designed.

APPROVE PERMIT:

Dredge and fill 9170 square feet of wet meadow for access in the subdivision of 22.45 acres into 13 single family residential lots and 4 common open space lots.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated August 4004, as received by the Department on August 24, 2004 and Subdivision Plans by Richard D Bartlett and Associates Inc dated May 20, 2004, as received by the Department on June 7, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. This permit shall not be effective until the Drainage Easement granted to MVD LLC, by abutters Reynolds and Pierson has been recorded with the Registry of Deeds Office by the Permittee. A Copy of the Recorded Document shall be submitted to DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Area of temporary impact shall be regraded to original contours following completion of work.
16. Mulch within the restoration area shall be straw.
17. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. Silt fencing must be removed once the area is stabilized.
21. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
22. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed

the criteria of Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 11, 2003. Field inspection determined the wetlands in the proposed area of impact are the lower value wetlands on the site and the impacts in other locations would be greater.
6. The applicant has provided a notarized copy of the drainage easement which will be recorded at the Sullivan County Registry of Deeds.
7. The applicant has met all the requirements of Wt 304.09.
8. The Plainfield Conservation Commission has submitted an e-mail supporting this project.

2004-01324 FRANKLIN, CITY OF
FRANKLIN Winnepesaukee River

Requested Action:

Impact 950 sqft of previously disturbed river bank to remove debris and construct a boat ramp, repair and restore the existing 22 ft granite retaining wall on the Winnepesaukee River, Franklin.

Conservation Commission/Staff Comments:

No Con Com comments by Aug 10, 2004

NHI and Fish and Game has no concerns

APPROVE PERMIT:

Impact 950 sqft of previously disturbed river bank to remove debris and construct a boat ramp, repair and restore the existing 22 ft granite retaining wall on the Winnepesaukee River, Franklin.

With Conditions:

1. All work shall be in accordance with plans by Dale Sackett dated May 20, 2004, as received by the Department on June 18, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during low flow.
5. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
6. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
7. The permittee shall be responsible for the following:
 - a. providing a handicapped parking spot,
 - b. providing a kiosk where state and local agencies can post notices, or rules and restrictions regarding responsible boating and environmental practices.
8. The boat ramp shall be utilized indefinitely as a public access to the Winnepesaukee River and shall not change in use.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Existing rocks which have fallen shall be used for the wall repair. No Additional Rocks.
11. Repair shall maintain existing size, location and configuration.
12. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(c).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 4, 2004. Field inspection determined the project will enhance and stabilize a previously disturbed area of the river bank and provide a public access point for recreation.

2004-01391 STEVENS, MILDRED
ALTON Lake Winnepesaukee

Requested Action:

Construct a 6 ft by 23 ft 6 inch seasonal wharf attached to the existing boulders on the shore adjacent to an existing 6 ft by 16 ft 5 inch wharf on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

Inspection Date: 08/18/2004 by Darlene Forst

APPROVE PERMIT:

Construct a 6 ft by 23 ft 6 inch seasonal wharf attached to the existing boulders on the shore adjacent to an existing 6 ft by 16 ft 5 inch wharf on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 28, 2004, as received by the Department on June 28, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 6 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. DES Staff conducted a field inspection of the proposed project on August 18, 2004. Field inspection determined the proposed design is the least impacting for the site conditions.

2004-01403 HAGAN, CHRISTOPHER/MANDIE
SANBORTON Unnamed Wetland

Requested Action:

Dredge and fill 5869 square feet for access in the subdivision of approximately 62 acres into 4 single family residential lots.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 5869 square feet for access in the subdivision of approximately 62 acres into 4 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering dated June 16, 2004, as received by the Department on June 24, 2004 and Subdivision Plans by DMC Surveyors dated May 4, 2004, as received by the Department on June 24, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has addressed all the components of Wt 304.09.

2004-01420

CIACCIO, DIANE

RYE Tbz

Requested Action:

Excavate, regrade or otherwise alter terrain in 3,790 sq. ft. of previously disturbed upland tidal buffer zone to install a replacement

septic system, construct a 6 ft. X 24 ft. building addition w/ an attached deck to an existing dwelling.

APPROVE PERMIT:

Excavate, regrade or otherwise alter terrain in 3,790 sq. ft. of previously disturbed upland tidal buffer zone to install a replacement septic system, construct a 6 ft. X 24 ft. building addition w/ an attached deck to an existing dwelling.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated 6/04, as received by the Department on June 25, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of areas within NH DES Wetlands jurisdiction for lot development, driveways, culverts, for septic setback or other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(b), alteration of 3,790 sq. ft. previously disturbed upland tidal buffer zone.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01422 DEAN SMITH COMPANY
WINDHAM Unnamed Wetland

Requested Action:

Fill approximately 3,718 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 24-lot residential subdivision on approximately 72.5 acres. Fill approximately 279 square feet within forested wetlands to construct a shared driveway to provide access to two lots within the 24-lot subdivision.

Conservation Commission/Staff Comments:

No comments received from the Windham Conservation Commission.

APPROVE PERMIT:

Fill approximately 3,718 square feet within forested wetlands and within the bed and banks of an unnamed perennial stream to construct a roadway to provide access to a 24-lot residential subdivision on approximately 72.5 acres. Fill approximately 279 square feet within forested wetlands to construct a shared driveway to provide access to two lots within the 24-lot subdivision.

With Conditions:

1. All work shall be in accordance with the following plans by Edward N. Herbert Associates, Inc., as received by the Department on August 23, 2004:
 - a) The Boundary Plan (Sheet 2 of 36), the Final Plan (Sheets 3 - 7 of 36), the Plan & Profiles (Sheets 21 - 25 of 36), and the Construction Details (Sheets 30 & 31 of 36) dated August 2004;
 - b) The Topography Plan (Sheets 8 - 12 of 36) dated May 2004; and
 - c) The Wetland Impact Plans (Sheets 28 & 29 of 36) dated August 2004 and revised August 19, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Windham Conservation Commission of the date project construction is proposed to begin.
9. Work shall be conducted during low flow conditions.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
17. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
20. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Impact Project per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.
2. The project has been designed to provide approximately 47.14 acres of open space on-site. Portions of the designated open space area border property owned by the Town of Windham.
3. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2004-01714 LITCHFIELD, TOWN OF
LITCHFIELD Chase Brook

Requested Action:

Replace existing culvert with twin 24" culverts and associated headwalls and rip rap. Total wetlands impact 610 sq. ft.

Conservation Commission/Staff Comments:

Did not report.

APPROVE PERMIT:

Replace existing culvert with twin 24" culverts and associated headwalls and rip rap. Total wetlands impact 610 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates dated 6/11/04, as received by the Department on 7/23/04.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of an intermittent or perennial stream that exceed the criteria of 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Response from the NH Fish and Game Department dated 6/29/2004 and received with the application indicates that the culvert replacement would have limited impact to the species of concern (Blandings and spotted turtles) noted in the vicinity of the project.

2004-01715 LITCHFIELD, TOWN OF
LITCHFIELD Nesenkeag Brook

Requested Action:

Replace existing culvert with twin 24" culverts and associated headwalls and outlet rip rap. Total wetlands impact 690 sq. ft.

Conservation Commission/Staff Comments:

Did not report.

APPROVE PERMIT:

Replace existing culvert with twin 24" culverts and associated headwalls and outlet rip rap. Total wetlands impact 690 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Vollmer Associates dated 6/11/04, as received by the Department on 7/23/04.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of an intermittent or perennial stream that exceed the criteria of 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Response from the NH Fish and Game Department dated 6/29/2004 and received with the application indicates that the culvert replacement would have limited impact to the species of concern (Blandings and spotted turtles) noted in the vicinity of the project.

MINIMUM IMPACT PROJECT

2001-01277 KENISON, BRIAN
JEFFERSON Unnamed Pond

Requested Action:

Approve name change to : Brian Kenison, 1436 Presidential Highway, Jefferson NH 03583 per request received 8/24/04.

APPROVE NAME CHANGE:

Dredge and fill 2,835 square feet within existing man-made pond and seep area to install a livestock watering system.

With Conditions:

1. All work shall be done in accordance with revised plans by USDA-NRCS, dated 8/14/01, and received by DES on 8/24/01. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow or dry conditions.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-01265 COLEBROOK SCHOOL DISTRICT
COLEBROOK Drainage Ditch

Requested Action:

Maintenance dredge 2,680 linear feet x a maximum of 7 ft. wide of a constructed ditchline to remove accumulated sediment and vegetation.

Conservation Commission/Staff Comments:

Did not report.

Inspection Date: 08/18/2004 by Dori A Wiggin

APPROVE PERMIT:

Maintenance dredge 2,680 linear feet x a maximum of 7 feet wide of a constructed ditchline to remove accumulated sediment and vegetation.

With Conditions:

1. All work shall be in accordance with plans by Soil Conservation Service (now NRCS) dated 7/23/1954, and with plans by Colin F. Sutherland dated December 2000, both as received by the Department on 8/18/2004.
2. Work shall not exceed dimensions or depths of original 1954 SCS design.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during low flow.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. This project shall not result in any flooding or other change in hydrology on abutting properties or the applicant shall be responsible for remediation of such impacts to the satisfaction of DES.
6. Shrub and saplings located along the banks of the ditch may be cut but shall not be stumped.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k), maintenance dredging to provide continued usefulness of non-tidal drainage ditches. Total permitted square footage is 18,760 (2,680' x 7').
2. The project will not expand beyond the constructed limits of the original 1954 SCS design as received on 8/18/04, and is limited to a width of 7 feet to comply with Wt 303.04(k)(3) which allows for a maximum of 20,000 square feet of total dredge as a minimum impact project.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. Field inspection by DES personnel on 8/18/04 confirmed that this is an extensive constructed ditch system, that the project is necessary to remove accumulated sediment and vegetation, and will result in minimal environmental impact.

2004-01323 LEIGHTON 1998 TRUST, BRADLEY
MEREDITH Unnamed Wetland

Requested Action:

Impact 108 square feet of poorly drained isolated palustrine forested wetland for lot development and construction of stormwater treatment in the development of 14.21 acres into 58 condominium units.

Conservation Commission/Staff Comments:

The conservation commission recommends approval of the proposed project.

APPROVE PERMIT:

Impact 108 square feet of poorly drained isolated palustrine forested wetland for lot development and construction of stormwater treatment in the development of 14.21 acres into 58 condominium units.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith Associates Inc dated May 12,2004, as received by the Department on June 17, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, drainage structures, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #x of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01421 WJK REALTY CORP, KEVIN HUTCHINSON
BELMONT Drainage Ditch

Requested Action:

Approve after the fact fill of 488 square feet of man made drainage ditch for lot development.

Conservation Commission/Staff Comments:

The Belmont Conservation Commission did not comment on the proposed project.

APPROVE AFTER THE FACT:

Retain 488 linear feet of fill in a man made drainage ditch.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The hydrology of the man made drainage ditch was rerouted by the NH Dept of Transportation as part of dredge and fill permit 1999-00046.
3. The previously existing ditch only functioned to conduct water from one location to another.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Applications received after the work is completed shall be subject to the same review as given any other application, per Rule Wt 204.06.

2004-01520 LEBANON, CITY OF
LEBANON Unnamed Wetland Connecticut River

Requested Action:

Dredge and fill 145 square feet of isolated man made wetland to cap an existing landfill.

Conservation Commission/Staff Comments:

The conservation commission approved this project.

APPROVE PERMIT:

Dredge and fill 145 square feet of isolated man made wetland to cap an existing landfill.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated June 2004 and revised through June 2004, as received by the Department on July 6, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Lebanon Conservation Commission approved this project at their August 12, 2004 meeting.
6. The proposed project will improve the environmental conditions of the area.

FORESTRY NOTIFICATION

2004-01846 STOUT, ARTHUR
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Lyme Tax Map 409, Lot# 45

2004-01865 JOHNSEN, DOROTHY
BARRINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Barrington Tax Map B3, Lot# 5 & 5A

2004-01874 KENNEY, DAVID
EASTON Unnamed Stream

COMPLETE NOTIFICATION:
Easton Tax Map 2, Lot# 8

2004-01919 SELBY, WILLIAM & MICHELLE
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Brookfield Tax Map 15, Lot# 11

2004-01920 HUNSICKER, CALVIN
HARTS LOCATION Unnamed Stream

COMPLETE NOTIFICATION:
Hart'S Location Tax Map 5, Lot# 94

2004-01921 MCMURPHY, CLAIRE
KEENE Unnamed Stream

COMPLETE NOTIFICATION:
Keene Tax Map 902, Lot# 21-024

2004-01922 STEARNS, SHARON
SALISBURY Unnamed Stream

COMPLETE NOTIFICATION:
Salisbury Tax Map 204, Lot# 1

2004-01923 ROY, BRIAN & HEATHER STAPLES
WARNER Unnamed Stream

COMPLETE NOTIFICATION:
Warner Tax Map 9, Lot# 33 & 34

EXPEDITED MINIMUM

2004-01397 BUTLER, ROBERT & BARBARA
TUFTONBORO Lake Winnepesaukee

Requested Action:
Repair and maintain a previously permitted 12 ft 6 inch by 55 ft piling supported dock on 108 ft of frontage on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:
Repair and maintain a previously permitted 12 ft 6 inch by 55 ft piling supported dock on 108 ft of frontage on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 11, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.

4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

7. Repair shall maintain existing size, location and configuration.

8. This permit does not allow for any work on the frontage other than the dock repair.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

2004-01436 BRIDLE, ROBERT
HAMPTON Hampton Salt Marsh

Requested Action:

Remove an existing, deteriorated 8 ft. X 16 ft. shed and replace with a new shed of the same dimensions and in the same location and install a 6 ft. high stockade fence along the southern lot line terminating no less than 12 feet from the edge of the salt marsh.

APPROVE PERMIT:

Remove an existing, deteriorated 8 ft. X 16 ft. shed and replace with a new shed of the same dimensions and in the same location and install a 6 ft. high stockade fence along the southern lot line terminating no less than 12 feet from the edge of the salt marsh.

With Conditions:

1. All work shall be in accordance with plans by applicant, as received by the Department on June 28, 2004.

2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. NH DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

2004-01646 LARocca FAMILY REAL ESTATE TRUST
NORTHWOOD Unnamed Wetland

Requested Action:

Temporarily impact 550 sq. ft. of forested wetlands to install a utility line for a senior housing development.

Conservation Commission/Staff Comments:

Signed expedited application.

APPROVE PERMIT:

Temporarily impact 550 sq. ft. of forested wetlands to install a utility line for a senior housing development.

With Conditions:

1. All work shall be in accordance with plans by McCourt Engineering Associates dated July 12, 2004, as received by the Department on July 19, 2004.

2. All additional temporary workspace outside of the approved construction right-of-way shall be located at least 20 ft. from any wetland or watercourse or the further approval of the NHDES Wetlands Bureau shall be obtained prior to use of the workspace.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following
5. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
6. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any waterbody shall be discharged through a filter bag.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01706 COMEAU, DONALD
DANVILLE Unnamed Stream

Requested Action:

Replace failing twin 24-inch diameter culverts beneath Beach Plain Road with a 5-foot oval culvert to improve public safety.

Conservation Commission/Staff Comments:

The Danville Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Replace failing twin 24-inch diameter culverts beneath Beach Plain Road with a 5-foot oval culvert to improve public safety.

With Conditions:

1. All work shall be in accordance with plans by Town of Danville, as received by the Department on July 26, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

9. Proper headwalls shall be constructed within seven days of culvert installation.

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), as the project is located within the right-of-way of a public road and does not impact bogs, marshes, sand dunes, tidal wetlands, undisturbed tidal buffer zone or prime wetlands.

2. Public Safety!

3. The Bureau received a letter dated May 31, 2004 from abutter Warren Gerade, Danville Tax Map 2 Lot 2-70, expressing concerns that installation of a the new culvert would increase flooding onto his property.

4. After the review of the file, DES finds that the area of concern is wet meadow which is subject to irregular flooding and will not adversely impact the area.

5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01719 OLSON, ERIC
RINDGE Unnamed Wetland

Requested Action:

Fill approximately 1,300 square feet of wetlands associated with a beaver pond to upgrade Old Danforth Road and Install four (4) 24-inch by 20-foot culverts on for public safety.

Conservation Commission/Staff Comments:

The Rindge Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill approximately 1,300 square feet of wetlands associated with a beaver pond to upgrade Old Danforth Road and Install four (4) 24-inch by 20-foot culverts on for public safety.

With Conditions:

1. All work shall be in accordance with plans by Carl Hagstrom, as received by the Department on July 27, 2004.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Work shall be done during no flow conditions.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters. 6. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.

7. Temporary cofferdams shall be entirely removed immediately following construction.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01858 EDWARDS, ROBERT & JOAN
LACONIA Pine Brook

Requested Action:

Dredge and fill 184 square feet in the bank of an unnamed intermittent stream for the construction of a 46 foot retaining wall.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact expedited application.

APPROVE PERMIT:

Dredge and fill 184 square feet in the bank of an unnamed intermittent stream for the construction of a 46 foot retaining wall.

With Conditions:

1. All work shall be in accordance with plans received by the Department on August 10, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), projects that alter the course of or disturb less than 50

linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant removed the existing retaining wall and debris in the bank and is proposing this method to restabilize the bank.
4. The proposed retaining wall is 4 feet from the edge of the channel and is 2-3 feet above the existing channel.
4. Filling for construction will be approximately 4 ft from the abutting property (Laconia, Tax Map 423, Lot 25). The applicant has submitted a letter of permission from the affected abutter pursuant to Rule Wt 304.04, Setback from Property Lines.

2004-01894 DONNELLY, CHRIS
SUTTON Unnamed Stream

Requested Action:

Approve name change request to: Daniel & Kathleen Labonville, 50 Morse Rd, Dunbarton NH 03046 per request received 8/23/04.

Conservation Commission/Staff Comments:

The Sutton Conservation Commission signed the PBN.

APPROVE NAME CHANGE:

Dredge and fill approximately 740 square feet of forested wetland (including 20 linear impact to an intermittent stream) for the installation of a 36-inch by 20 foot culvert to access a single family residential lot of approximately 21.6 acres.

With Conditions:

1. All work shall be in accordance with plans by Robert C. Stewart, Jr. dated July 15, 2004, as received by the Department on August 13, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

GOLD DREDGE

2004-01944 HUFF, LAWRENCE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

Bath ConCom

TRAILS NOTIFICATION

2004-01905 CLAREMONT CONSERVATION COMMISSION, MICHAEL DEMERS
CLAREMONT Drainage Ditches

COMPLETE NOTIFICATION:
Claremont Tax Map 132, Lot# 50, 51, 56, 57 & 174

LAKES-SEASONAL DOCK NOTIF

2004-01998 DRAKE, FREDERIC
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
MOultonboro Tax Map 31, Lot# 54 Lake Winnepesaukee

2004-01999 BURGESS, HARRY
PIERMONT Lake Armington

COMPLETE NOTIFICATION:
Piermont Tax Map R6, Lot# 19 Lake Armington

2004-02000 WATERS, FRANK
BELMONT Sargent Lake

COMPLETE NOTIFICATION:
Belmont Tax Map 238, Lot# 21 Sargent Lake

2004-02001 COLLING, DIANE
SANBORNTON Hermit Lake

COMPLETE NOTIFICATION:
Sanbornton Tax Map 3, Lot# 121 Hermit Lake

2004-02002 TYSON, WALTER
SANBORNTON Hermit Lake

COMPLETE NOTIFICATION:

Sanbornton Tax Map 3, Lot# 149 Hermit Lake

SHORELAND VARIANCE / WAIV

2004-01566 FISKE, DUSTON & KATHERINE
ERROL Askers Pond & Little Askers Pond

Requested Action:

Grant variance to RSA 483-B:9, V(b) to allow the installation of a septic system within the 125 ft setback to surface waters in Errol, on Akers and Little Akers Pond.

APPROVE CSPA VARIANCE:

Grant variance to RSA 483-B:9, V(b) to allow the installation of a septic system within the 125 ft setback to surface waters in Errol, on Akers and Little Akers Pond.

With Conditions:

1. All work shall be conducted in accordance with plans by North Country Septic Design received by DES on July 9, 2004.
2. This variance shall not be effective until it has been recorded at the appropriate county registry of deeds office by the Permittee. A copy of the registered approval shall be submitted to the DES Wetlands Bureau prior to construction.
3. A copy of this variance shall be posted in a prominent location on site during construction, visible to inspecting personnel.
4. This variance does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others.
5. This variance is contingent upon approval of the septic system by the DES Subsurface Bureau.
6. This variance does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The denial of the variance to replace the existing septic system would result in an unnecessary hardship.
2. The septic system replacement will result in no diminution in value of the property.
3. The new septic system will make the existing site more conforming to the spirit of the statute.
4. Granting the variance will benefit the public interest as the existing septic system is outdated and a potential health hazard.
5. Granting the variance will do substantial justice by improving wastewater treatment on the lot.

ROADWAY MAINTENANCE NOTIF

2004-01965 WEST ENVIRONMENTAL INC
NOTTINGHAM Unnamed Stream

PERMIT BY NOTIFICATION

2004-01787 NICKERSON, LEROY
ALTON Unnamed Wetland

Requested Action:

PBN#14, Temporarily impact 36 square feet for the installation of a dry hydrant for fire protection.

Conservation Commission/Staff Comments:

The Alton Conservation Commission did not sign the PBN.

PBN IS COMPLETE:

PBN#14, Temporarily impact 36 square feet for the installation of a dry hydrant for fire protection.

HEARINGS

2004-01076 KEEWAYDIN DRIVE REALTY LLC, C/O BROOKS PROPERTIES
SALEM Unnamed Wetland Adjacent To Salem Prime Wetland #17

PRIME WETLANDS HEARING: 08/24/2004 09:00:00 AM

Fill approximately 5,685 square feet of previously disturbed forested wetlands to construct a 20,000 square-foot office/warehouse building and an associated access roadway and parking lot, and excavate approximately 4,220 square feet of previously disturbed forested wetlands to construct a stormwater detention basin and improve on-site drainage, adjacent to Salem Prime Wetland #17.